

ADVISORY OPINION 93-020

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

October 27, 1993

Chairman Robert Gable
The Republican Party of Kentucky
Capitol Avenue at Third Street
P.O. Box 1068
Frankfort, Kentucky 40602

Dear Chairman Gable:

Thank you for contacting the Registry. Also, thank you for supplying us with additional facts when you visited the Registry offices. The facts to your question may be stated as follows:

Your question is about the Republican Party of Kentucky ("RPK"). You are Chairman of the Republican State Central Committee and of the Republican State Executive State Executive Committee. The various affiliates of the RPK include, but are not limited to, the Republican State Central Committee, the Republican State Executive Committee, and the Republican Party county organizations in Kentucky, which are designated as county committees and county executive committees. The RPK is affiliated with the Republican National Committee (or "RNC").

Your question is four part and may be stated as follows:

1. Does the RPK and all its affiliates and subdivisions fall within the meaning of political party executive committee as contemplated by KRS Chapter 121?
2. Under applicable Kentucky election finance law, what is the maximum amount of non-federal, non-corporate funds (state funds raised and reported under KRS Chapter 121) that may be transferred between the national, state, and local Republican Party executive committees in any one calendar year? (Contemplated transfer from the RNC to the RPK is from the RNC to the State Executive Committee.)
3. What is the maximum amount of non-federal, non-corporate funds which the RPK may receive in any one calendar year (in its state account) from the RNC? and
4. What is the maximum amount of non-corporate funds that a national (by transferring amounts first to the state party executive committee), state, or local political party executive committee may expend in support of a candidate for elective office in Kentucky?

KRS 121.015(3)(d) defines or states that "'committee' includes the following: ...(d) An executive committee of a political party[.]" Id. KRS 121.150(110) limits contributions made to the state executive committee of a political party and "its subdivisions and affiliates. ..." Id. KRS 121.180(2) requires state and county executive committees to make a "full report" to the Registry of expenditures and receipts. Id. These statutes help define and describe the term "executive committee" as it applies

to KRS Chapter 121. They are not all inclusive, but they bear on the question posed. However, your first question has not stated facts which are specific enough for the Registry to comment further on the meaning of the term "executive committee" under KRS Chapter 121. KRS 121.135 (1) authorizes opinions concerning the "application of the provisions of this chapter (121)...with respect to a specific transaction or activity..." Id. (Emphasis added).

You are careful to note in your second question that the money being transferred is not corporate money or federally raised money. Based on the facts you state, there is no limit to the amount of money that may pass between the RPK and its affiliates and subdivisions. However, the funds you describe can only be transferred from the RPK's Executive Committee, acting as a transfer agent. For instance, a transfer of Kentucky State money to the RNC can only be made by the RPK's Executive Committee and not one of its in-state affiliates.

In question three, you are careful to state that the recipient, the RPK, will not be receiving corporate funds. Other than the prohibition on transfer of corporate funds to the RPK, the RNC is not limited in the amount of funds it can transfer to the RPK at this time.

In response to your question four, currently, there is none (1) limitation on the maximum amount of funds a state party executive committee or any of subdivisions may expend in support of a candidate for office in the Commonwealth of Kentucky. KRS 121A.050(1) restricts contributions from executive committees to gubernatorial candidate. (Limit of \$500 per election.)

The above listed limitation of transfers points out the general nature of your four questions. Therefore, with this opinion, the Registry of Election Finance is not granting the RPK and its subdivisions and affiliates blanket approval of money transfers or protection from enforcement of campaign finance laws and regulations, with respect to all future transfers of funds made by the RPK and its subdivisions and affiliates. As you request specific answers to specific fact situations, the Registry will be happy to address each of your questions on an individual basis. [See KRS 121.135(1)].

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please contact us. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/dt